

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN EVERTS,

Plaintiff,

Case No. 16-14209

v.

Honorable John Corbett O'Meara

AMERICAN RED CROSS, GREAT  
LAKES BLOOD SERVICES REGION,

Defendant.

---

**ORDER OF PARTIAL DISMISSAL**

Plaintiff Kevin Everts filed a four-count complaint in this court alleging violations of the following statutes: Count I, the Americans with Disabilities Act ("ADA"); Count II, Michigan's Persons with Disabilities Civil Rights Act ("PWDCRA"); Count III, retaliation under the ADA; and Count IV, retaliation under the PWDCRA.

Although the two counts arising under federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Counts II and IV are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims to avoid

jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

**ORDER**

It is hereby **ORDERED** that Counts II and IV are **DISMISSED**.

s/John Corbett O'Meara  
United States District Judge

Date: January 26, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 26, 2017, using the ECF system.

s/William Barkholz  
Case Manager